



Public Records
Reform Proposals

Submitted by Councilmembers and Members of the Public

I. Definitions

No proposals received.

II. Process for Gaining Access to Public Records; Administrative Appeals

1. Make broader disclosures of what the Council does in closed session. (*Reed, March 13, 2006*)
2. Where its provisions are stronger, the sunshine ordinance should clearly state its supremacy over the California Public Records Act. (*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)
3. Members of the public should be able to challenge, in court, City decisions to withhold records. If the City loses, it should be required to pay court fees and attorney fees to the plaintiff. (*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)

III. Public Information that Must be Disclosed

1. Disclose the salaries of all city employees by position. (*Councilmember Reed, March 13, 2006*)
2. Disclose records of city employee disciplinary actions to the extent allowed by state law. (*Councilmember Reed, March 13, 2006*)
3. Disclose real estate appraisals used in the purchase or condemnation of property to prevent city government from attempting to take a citizen's property without fair compensation. (*Councilmember Cortese, June 13, 2006*)
4. SJPd incident reports, use of force reports, and other documents should be explicitly classified as public records. (*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)
5. Personnel Information. None of the following shall be exempt from disclosure under any provision of California law that does not expressly prohibit disclosure:
 - i. The record of any confirmed misconduct of a City official or employee, and of any sanction or discipline imposed for such misconduct. To the extent California law holds such information confidential for certain City employees, City shall disclose as much information as possible in summary form, only withholding information as necessary if required by state law. (*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)
6. Law Enforcement Information
 - i. The San Jose Police Department shall make available to any person, upon request, any document routinely generated by police department personnel

including police reports, arrest reports, use of force reports, incident reports, 911 call tapes and transcripts, and CAD tapes and transcript. However, unless the report is requested by a person entitled to the following information under state or federal law, the following information shall be removed from the report before it is released:[...]. (*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)

- ii. All other records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the Police Department, the District Attorney or a court determines that a prosecution will not be sought against the subject involved, once a final judgment of conviction or acquittal has been entered, or once the statute of limitations for filing charges has expired, whichever occurs first [...].(*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)
- iii. The San Jose Police Department shall maintain a record, which shall be a public record and which shall be separate from the personnel records of the Police Department, which reports the number and substance of citizen complaints against the Police Department or its officers, the number and types of cases in which discipline is imposed, and the nature of the discipline imposed. The document shall contain summary information about the underlying facts and contain as much information as possible under state law. [...](*Sanjeev Bery, ACLU of Northern California, August 30, 2006*)

IV. Immediacy of Response

No proposals received.

V. Justification of Withholding

No proposals received.

VI. Withholding Kept to a Minimum

No proposals received.

VII. Fees for Duplication

No proposals received.

VIII. Index to Records

No proposals received.

IX. Records Survive Transition of Officials

The Mayor, City Attorney, Members of the City Council, the City Administrator and all department heads shall maintain and, preserve consistent with City records retention policies, all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports, ordinances, resolutions, and motions and shall disclose all such records upon request, which such items are not confidential as required by law. (*Dave Parker, August 31, 2006*)

X. Correspondence and Records Shall be Maintained

No proposals received.

XI. Blank -----Advertising Space

No proposals received.